

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**


FRACTUS, S.A.,	§	CIVIL ACTION NO. 2:18-CV-00135-JRG LEAD CASE
Plaintiff,	§	
v.	§	
AT&T MOBILITY LLC,	§	
	§	
SPRINT COMMUNICATIONS COMPANY, L.P., SPRINT SPECTRUM, L.P., SPRINT SOLUTIONS, INC., NEXTEL OPERATIONS, INC.,	§	CIVIL ACTION NO. 2:18-CV-00136-JRG MEMBER CASE
	§	
	§	
	§	
	§	
T-MOBILE US, INC., T-MOBILE USA, INC.,	§	CIVIL ACTION NO. 2:18-CV-00137-JRG MEMBER CASE
	§	
	§	
	§	
	§	
VERIZON COMMUNICATIONS INC., CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS,	§	CIVIL ACTION NO. 2:18-CV-00138-JRG MEMBER CASE
Defendants.	§	
	§	
	§	
	§	

ORDER

Before the Court is Intervenor-Defendant CellMax Technologies AB's ("CellMax") Unopposed Motion for Leave to Supplement Defendants' Invalidity Contentions (the "Motion"). (Dkt. No. 120.) On January 17, 2019, the Court held a hearing on the above-pending motion. At that hearing, the Parties represented to the Court on the record that this proposed additional prior art reference will not be used to present a new invalidity theory that differs from that of the named Defendant cellular carriers. Having considered the Motion, and based on the Parties' representation, the Court finds that the Motion should be and hereby is **DENIED WITHOUT PREJUDICE**; however, leave is granted for a subsequent joint filing by CellMax and the corresponding named Defendant cellular carriers in the above-numbered cases seeking the same

or similar relief. To be clear, any future motion seeking the relief requested in the Motion by an intervenor must be made in and through a joint motion from the intervenor and the corresponding Defendant cellular carrier.

So ORDERED and SIGNED this 6th day of February, 2019.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE